

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID HANDFORD,

Plaintiff,

v.

V. YAP,

Defendant.

No. 2:21-cv-00115-TLN-JDP

ORDER

Plaintiff, a state prisoner proceeding *pro se*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 17, 2021, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 10.) Plaintiff has not filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed *de novo* by both the district court and [the appellate] court . . ."). Having reviewed the file, the Court finds the findings and recommendations to be supported by

1 the record and by the proper analysis.

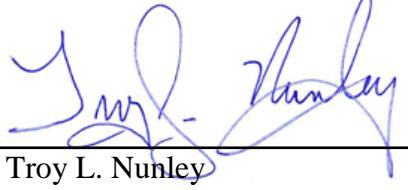
2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed September 17, 2021, (ECF No. 10), are
4 adopted in full;

5 2. This action is dismissed for failure to prosecute, failure to comply with Court orders,
6 and failure to state a claim for the reasons set forth in the March 9, 2021 order; and

7 3. The Clerk of Court is directed to close the case.

8 **DATED: November 18, 2021**

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United States District Judge